

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CLAUDE GENE LEE, SR.,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 1:06-CV-874-MHT
)	
WESTPOINT HOME, INC.,)	
)	
Defendant.)	

JOINT MOTION FOR ENTRY OF QUALIFIED HIPAA PROTECTIVE ORDER

Plaintiff, Claude Gene Lee, and Defendant, WestPoint Home, Inc., respectfully move this Honorable Court to enter the Qualified HIPAA Protective Order attached hereto as Exhibit "A" to govern the production and protection of certain Protected Health Information ("PHI") so that the parties, and any third party receiving any subpoena, may comply with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). Both parties believe that this order will provide for the efficient production of documents and compliance with HIPAA.

Respectfully submitted this 28th day of August 2007.

/s/Kelly F. Pate

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Home, Inc.

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EXHIBIT A

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QUALIFIED HIPAA PROTECTIVE ORDER

The parties are hereby granted the right, upon compliance with the applicable discovery provisions of the Federal Rules of Civil Procedure and the orders of this Court, to obtain from any health care provider, health plan, or other entity covered by the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936 (1996) ("HIPAA"), any and all information relating to the past, present, or future medical condition of any individual who is a party to this action, as well as any and all information relating to the provision of health care to such individual and payment for the provision of such health care.

This order authorizes any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose the Protected Health Information in response to such request or subpoena. This order is intended to authorize such disclosures under the privacy regulations issued pursuant to HIPAA. *See* 45 C.F.R. § 164.512(e)(1)(i).

The parties are expressly prohibited from using or disclosing the protected health information obtained pursuant to this order for any purpose other than this action. Further, the parties are ordered to either return to the covered entity from whom or which such protected health information was obtained, or to destroy the protected health information (including all

copies made) immediately upon conclusion of this action. *See* 45 C.F.R. §§ 163.502(b); 164.512(e)(1)(v).

DONE and ORDERED this _____ day of _____, 2006.

UNITED STATES DISTRICT JUDGE